

February 20, 1980

LB 688, 261

CLERK: Record vote read. (See page 755, Legislative Journal.) 44 ayes, 1 nay, 3 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 688 passes. Motion on the desk. Read the motion.

CLERK: Mr. President, Senator Murphy moves to return LB 261 to Select File for a specific amendment, the amendment being to strike the enacting clause.

PRESIDENT: The Chair recognizes Senator Murphy.

SENATOR MURPHY: Ladies and gentlemen, I have I think a very valid argument for this motion. This motion calls for changing the districts from which Supreme Court justices will be chosen. I ask you, first of all, to tell me what the need is. What is the problem that is going to be addressed? And I think the answer is, there is none. Judge Wenke, Judge Wood, Judge Brower, Judge Newton and our current Judge White have and are serving with distinction. There is no limitation on those judges that have come from this district either in their performance nor in their character. Yet we are going to change something which has served us in very good stead and I would point out this fact that if you advance this constitutional amendment, we are not dealing with a statute, we are going to tinker with the Constitution. One year from today this body is going to be taken up with a very serious debate of redistricting the state. If we enact this, we are voting to choose judges from three districts and we don't even know what the districts are. By the time the constitutional amendment is in place, the districts will be changed. I don't think anyone does not believe that there will be changes. So we would mess with the Constitution one year ahead of redistricting to vote a district election without knowing what the boundaries of that district are. I urge you not to support this change in our Constitution on a one year basis which you may well be back changing two years from now. With that, Mr. President, I withdraw my motion.

PRESIDENT: All right, the motion is withdrawn and we are back on Final Reading and the Clerk will now read on Final Reading LB 261.

CLERK: Final Reading of LB 261.

PRESIDENT: All provisions of law relating to procedure having been complied with, the question is, shall LB 261